

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAXINE ANGELLA DAVIS,

Plaintiff,

v.

THE SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

24-CV-2437 (RA)

ORDER ADOPTING  
REPORT AND RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On March 28, 2024, Plaintiff Maxine Angella Davis, proceeding *pro se*, filed the complaint in this action, seeking judicial review of the determination by the Social Security Administration (“SSA”) that reduced her Supplemental Security Income (“SSI”) benefits. ECF No. 1. On July 1, 2024, the SSA filed a motion to dismiss the complaint or, alternatively, for summary judgment. *See* ECF Nos. 10–12. The case was referred to Magistrate Judge Aaron for a report and recommendation. On October 25, 2024, Judge Aaron issued a report and recommendation (the “Report”) recommending that the Commissioner’s motion to dismiss be converted to a motion for summary judgment and that the motion be granted. ECF No. 26. Judge Aaron also determined that the SSA failed to respond to Plaintiff’s January 15, 2024 Request for Reconsideration regarding the reduction of her SSI benefits, and accordingly recommended that the matter be remanded to the SSA with directions to respond to that request. Neither party timely filed objections to the Report.


A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the

recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at \*1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As no objections to the Report were timely filed, the Court has reviewed Judge Aaron’s Report for clear error. After careful review of the record, the Court finds no error and thus adopts the well-reasoned Report in its entirety. It is therefore ordered that the Commissioner’s motion to dismiss is converted to a motion for summary judgment, and that motion is granted. Consistent with Judge Aaron’s recommendation, this matter is hereby remanded to the SSA to respond to Plaintiff’s January 15, 2024 Request for Reconsideration. The Clerk of Court is respectfully directed to terminate the motion pending at docket number 10 and close this case.

SO ORDERED.

Dated: January 2, 2025  
New York, New York

  
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Ronnie Abrams  
United States District Judge